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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CLASSIFICATION
08 844,215	04/17/1997	MAIS AXEL ALFRED AG PERSSON	80146.002	102

ALISA A. HARBIN
CHIRON CORPORATION
INTELLECTUAL PROPERTY R440
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EXAMINER

ZEMAN MARY K

ART UNIT PAPER NUMBER

DATE MAILED 02/11/2002

28

Please find below and/or attached an Office communication concerning this application or proceeding

Advisory Action

Application No.

08/844,215

Applicant(s)

PERSSON ET AL.

Examiner

Mary K Zeman

Art Unit

1631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 October 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 19 November 2001. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Rej under 35 USC 103(a).
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 31-81 and 117-127.Claim(s) withdrawn from consideration: 1-30 and 82-116.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because. The claims have not been limited to the exact sequences indicated as meeting the written description requirement: SEQ ID NO: 15-27 and nucleic acids encoding the same amino acid sequences through the degeneracy of the genetic code.

Mary K. Zeman

MARY K. ZEMAN
PRIMARY EXAMINER

Av 1631

Special Notes for PA

Application No.

08/844,215

Examiner

Mary K Zeman

Applicant(s)

PERSSON ET AL.

Art Unit

1631

Claims Status: Pending:
Withdrawn:
Allowed:
Rejected:
Objected to:
Restricted:

Type of action: advisory

☐ Foreign Priority Application Information ☐ all received ☐ See notes
[Certified Copies etc.]

☐ 119(e) priority

For the Notice of References Cited [PTO-892]:

☐ 892 Required

☐ Need Copies of References

☐ Copies not included or needed for the following references:

Preferred Citation Formats for Non-Patent Prior Art:

Additional Notes:

Please enter paper #27

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Thank You!

Mary K Zeman

February 6, 2002